UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
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'08 MJ 2124

UNITED STATES OF AMERICA, **Plaintiff,** **v.** **PAUL MICHAEL PADILLA (1),** **EMMANUEL BAUTISTA (2),** **MARLO WILLIAM RINES (3),** **JOSE RAUL AYALA (4),** **WILLIAM GOMEZ-GARCIA (5),** **Defendants.**	**Magistrate Case No.** **COMPLAINT FOR VIOLATION OF** Title 21, United States Code, Sections 841(a)(1) and 846 – Conspiracy To Distribute Heroin (Felony)

The undersigned complainant being duly sworn states:

That beginning on a date unknown and continuing up to and including July 12, 2008, within the Southern District of California, and elsewhere, defendants Paul Michael PADILLA, Emmanuel BAUTISTA, Marlo William RINES, Jose Raul AYALA and William GOMEZ-Garcia did knowingly and intentionally conspire together and with each other and with other unknown persons to distribute 1 kilogram and more of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

The complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Special Agent James A. Pokryfke
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, this 14th day of July, 2008.

HONORABLE CATHY ANN BENCIVENGO
UNITED STATES MAGISTRATE JUDGE

Statement of Facts

This statement of facts is based on the investigation and information provided to Drug Enforcement Administration Special Agent James A. Pokryfke.

In 2008, Paul Michael PADILLA and Marlo William RINES contacted Jose Raul AYALA regarding their desire to purchase multiple kilograms of heroin. AYALA contacted William GOMEZ-Garcia who, in turn, contacted Emmanuel BAUTISTA in the Southern District of California to obtain the heroin. BAUTISTA agreed to obtain the heroin from a source of supply for distribution to the buyers.

PADILLA and RINES reside in Oregon. AYALA and GOMEZ reside in the State of Washington. On or about July 11, 2008, AYALA and GOMEZ traveled by airplane from Portland, OR to San Diego, CA to participate in the heroin purchase. GOMEZ rented a car in his own name in San Diego. Also on or about July 11, 2008, PADILLA and RINES traveled by car from Oregon to San Diego. PADILLA and RINES traveled to San Diego in a car belonging to a friend of RINES'. The friend had loaned the car to RINES because he had told her he was going to go hiking in Portland, OR.

On July 12, 2008, BAUTISTA met with his source of supply in a car in a parking lot in San Diego, CA. During that meeting, BAUTISTA and the source of supply negotiated a purchase price for the buyers of $16,000 per kilogram of heroin. PADILLA, RINES, GOMEZ, AYALA and BAUTISTA subsequently met in the parking lot of a nearby McDonald's restaurant. AYALA took a bag from PADILLA's and RINES' car and placed it in AYALA's and GOMEZ' rental car. PADILLA and BAUTISTA traveled across the parking lot to meet with BAUTISTA's source of supply a second time. GOMEZ, RINES and AYALA waited outside the McDonald's restaurant. Agents arrested all five defendants when PADILLA took possession of a bag containing what he believed to be multiple kilograms of heroin.